

## **II. REMARKS**

United States Serial No. 10/811,096 was filed on March 26, 2004. A Restriction Requirement was mailed by the Office on February 6, 2007. On March 30, 2007, Applicants responded to the Restriction Requirement by electing to prosecute the claims of the Group III in the present application and traversing the Restriction Requirement between Groups I and III. An Election of Species Requirement was subsequently mailed by the Office on June 18, 2007.

### **Election of Species Requirement**

The Election of Species Requirement requires election of one species of each of pigment and thixotropic additive. Applicants hereby respectfully elect species of pigment and thixotropic additive, and traverse the election of species requirement.

With respect to the pigment, Applicants elect inorganic metal pigments. Applicants further elect iron oxide as the specific inorganic metal pigment. Claims 47-52, 55-57 and 90 read on the species of iron oxide inorganic metal pigment.

With respect to the thixotropic additive, Applicants elect bentonite. Claims 47-55, 57 and 90 read on the species of bentonite.

In order to support a proper election of species requirement, according to MPEP Section 806.04(f), the species identified in the Office Action must be mutually exclusive. With respect to the thixotropic additive, claim 55 includes mixtures of the recited thixotropic additives. Accordingly, the species are not mutually exclusive and the election requirement should be withdrawn.

Furthermore, the Office Action must also demonstrate that the number of claimed species exceed a reasonable number for examination. With specific

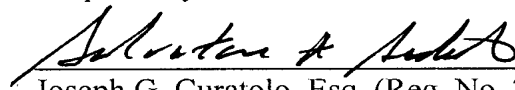
reference to the pigment, the application claims only inorganic metal pigments and organic pigments. The application claims a mere twenty species of inorganic metal pigment and one species of organic pigment. With specific reference to the thixotropic additive, the application claims only twelve thixotropic additives and mixtures thereof. Accordingly, Applicants respectfully submit that the application claims a reasonable number of species and, as such, would not impose a serious search burden on the Examiner. Therefore, the election requirement should be withdrawn.

In view of the remarks set forth above, and the remarks set forth in Applicants' Response filed March 30, 2007, Applicants respectfully request that the restriction requirement between Groups I and III, and the election of species requirement, be withdrawn.

Should there be any questions regarding the present response Applicants' undersigned attorney would welcome a telephone call.

Respectfully submitted,

Customer No. 23575

  
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